

ORDINANCE NO. 833

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL
AMENDING THE RETAIL BUSINESS AND NEIGHBORHOOD BUSINESS
LAND USES AND RELATED MODIFICATION TO PROFESSIONAL &
ADMINISTRATIVE OFFICE USE L-3 (SECTION 18.25.020 OF
THE PLEASANT HILL MUNICIPAL CODE)

WHEREAS, the Pleasant Hill Municipal Code contains regulations regarding land use standards for residential and commercial development; and

WHEREAS, City staff references and applies those regulations when determining proposed land uses to be established in all zoning districts; and

WHEREAS, various land uses include operating and site characteristics which may potentially impact adjacent uses in a negative manner; and

WHEREAS, land use regulations are needed to 1) protect neighboring land uses from negative impacts; and 2) preserve, protect and foster economic opportunities within the community; and

WHEREAS, City staff has prepared an amendment to the Zoning Ordinance to modify certain land use regulations in the *Retail Business* and *Neighborhood Business* districts only (as contained in Section 18.25.020 of the Pleasant Hill Municipal Code); and

WHEREAS, a Notice of Intent to issue a Negative Declaration was posted at the County Clerk's office of Contra Costa County on July 9, 2008, published in the Contra Costa Times on July 9, 2008 and July 30, 2008 and circulated for public review between July 9, 2008 and August 11, 2008; and

WHEREAS, the Negative Declaration contemplated the proposed amendments to the City's Zoning Ordinance and their impacts on the environment; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance was held by the Planning Commission on August 12, 2008 where all interested persons might appear and be heard; and

WHEREAS, the Planning Commission adopted Resolution No. 18-05 recommending that the City Council approve the Negative Declaration and adopt the proposed amendment.

WHEREAS, the City Council held a duly noticed public hearing on the proposed ordinance on September 22, 2008 where all interested persons might appear and be heard.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. The City Council certifies and adopts the Initial Study and Negative Declaration for this ordinance based on the following findings:

1. The Negative Declaration and its conclusions reflect the independent judgment of the City Council.
2. The Negative Declaration is in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, and adequately addresses the expected environmental impacts of the proposed ordinance.
3. The City Council finds that there is no substantial evidence supporting a fair argument that the project will have a significant adverse effect on the environment.
4. Pursuant to Title XIV, California Code of Regulations ("CCR"), the City Council has determined that, after considering the record as a whole, the proposed project will not have the potential for any adverse effect on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code § 711.2.

Section 2. Section 18.15.040, Commercial Use Classifications, of Chapter 18.15, Use Classifications, of the Pleasant Hill Municipal Code is amended to read as follows:

Section 18.15.040 Commercial Use Classifications.

Personal Improvement Service: Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studio, driving school, business and trade school, diet center, and reducing salon.

Section 3. Section 18.25.020, Land Use Regulations for all (C) Commercial, (RB) Retail Business, (NB) Neighborhood Business, (PAO) Office and (LI) Light Industrial Districts, of Chapter 18.25, (C, RB, NB, PAO and LI Districts) the Pleasant Hill Municipal Code, is amended to read as follows:

18.25.020 Land Use Regulations for C, RB, NB, PAO and LI Districts.

18.25.020 Land use regulations for all commercial, retail business, neighborhood business, office and light industrial districts.

Schedule 18.25.020 establishes the uses allowed for each commercial, office and light industrial zoning district as indicated by the letter designations as follows:

“P” designates use classifications permitted in commercial, retail business, neighborhood business, office and industrial districts.

“U” designates use classifications permitted on approval of a use permit.

“T” designates use classifications allowed on approval of a temporary use permit.

“L” followed by a number designates use classifications subject to certain limitations listed by number following the schedule.

The uses listed are based on the use classifications set forth in PHMC Chapter 18.15. Use classifications not listed are prohibited unless authorized by zoning administrator resolution under PHMC § 18.15.010. The “Additional Use Regulations” column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in this chapter.

SCHEDULE 18.25.020

NB, RB, PAO, C, AND LI DISTRICTS:

LAND USE REGULATIONS

P Permitted

U Use Permit Required

T Temporary Use Permit Required

L Limited (see specific limitations listed following schedule)

- Not Permitted

	NB	RB	PAO	C	LI	Additional Use Regulations
Residential Uses						
Day care, limited	-	P	P	-	-	
Emergency and transitional housing	-	U	-	-	U	
Home occupation	-	P	P	-	-	
Multifamily residential	-	U	U	-	-	
Single-family residential	-	U	-	-	-	
Public and Semipublic						
Clubs and lodges	U	U	U	U	-	
Community center	P	P	P	P	-	
Cultural institutions	U	U	U	-	-	
Day care, general	-	U	U	-	-	
Emergency medical care	-	U	P	-	-	
Government offices	U	U	P	-	-	
Hospitals	-	U	U	-	-	
Park and recreation facilities	-	U	P	-	-	
Public safety facilities	U	U	U	U	U	
Religious assembly	U	U	U	U	-	
Schools, public or private	-	U	U	-	-	

Utilities, major	U	U	U	U	U	See PHMC § 18.25.110
Utilities, minor	P	P	P	P	P	See PHMC § 18.25.110
Wireless communication facility	L-13	L-13	L-13	L-13	L-13	See PHMC § 18.50.010

Commercial Uses

Adult businesses	–	U	U	U	U	See PHMC Chapter <u>18.70.</u>
Ambulance services	–	–	U	U	–	
Animal boarding	U	U	U	U	U	
Animal clinic	U	U	U	P	–	
Animal grooming	U	P	U	P	–	
Animal hospitals	U	U	U	P	–	
Animals: retail sales	P	P	–	–	–	
Artists' studios	P	P	P	P	–	
Automobile maintenance, limited	–	P	–	P	P	
Automobile rentals	–	U	–	P	P	
Automobile service stations	U	P	–	P	P	
Automobile, vehicle/equipment repair	–	–	–	L-2	P	
Automobile, vehicle/equipment sales and rentals	–	U	–	P	P	
Automobile washing	–	U	–	P	P	
Banks and savings and loans	P	P	U	–	–	See L-1
Building materials and services	–	U	–	U	U	
Cardrooms	–	U	–	–	–	
Catering services	P	P	–	P	–	
Commercial filming	–	U	U	U	U	
Commercial recreation and entertainment	U	U	L-3	–	–	
Commercial parking facility	–	U	U	U	P	
Communication facilities	U	U	P	–	P	
Eating and drinking establishments	P	P	L-4	–	L-5	See PHMC § 18.25.070.

With live entertainment/dancing	-	U	U	-	-	See PHMC § 18.25.070 and PHMC Chapter <u>18.70.</u>
With drive-through service	-	U	-	-	-	
With outdoor seating	L-6	L-6	L-6	-	-	See PHMC § 18.25.070.
Fitness studio	U	U	P	-	-	
Food and beverage sales	P	P	U	-	-	
Funeral and interment services	-	U	-	-	-	
Horticultural, limited	-	-	-	-	-	
Hotels	-	P	P	-	-	
Laboratories	-	-	-	U	P	
Maintenance and repair services	U	P	P	-	P	
Medical marijuana dispensaries	-	-	-	-	-	
Motels	-	P	-	-	-	
Nurseries	-	P	P	-	-	
Offices, general and medical	P	L-7	P	-	L-7	See L-12
Pawn shops	-	U	-	-	-	
Personal improvement services	U	U	U	-	-	
Personal services	P	P	U	-	-	
Research and development services	-	-	U	-	P	
Retail sales	L-9	P	L-4	P	L-8	
Secondhand appliances/clothing	U	U	-	U	-	
Theaters	-	P	-	-	-	
Travel services	P	P	-	P	-	
Industrial						
Fuel storage and distribution	-	-	-	-	U	
Industry, custom	-	-	-	L-10	P	
Industry, limited	-	-	-	L-10	P	
Research and development industry	-	-	U	P	P	
Vehicle storage	-	-	-	P	P	

Warehousing and storage, limited	-	-	-	P	P	
Wholesaling, distribution and storage	-	-	-	P	P	Maximum one dwelling unit per site as caretaker housing.

Temporary Uses

See PHMC Chapter 18.100.

Agricultural sales	T	T	-	-	-	
Animal shows or sales	T	T	-	-	-	
Arts and crafts shows, outdoors	-	T	-	-	-	
Commercial filming, limited	T	T	T	T	T	
Farmers market	-	T	-	-	-	See L-11
Live entertainment events	-	T	-	-	-	
Religious assembly	-	T	-	-	-	
Retail sales, outdoor	T	T	-	T	-	
Street fairs	-	T	-	-	-	
Swap meets	-	T	-	T	-	
Trade fairs	-	U	-	-	-	

Nonconforming Uses

See PHMC Chapter 18.65.

NB, RB, PAO, C and LI Districts: Limitations on Specific Use Classifications

L-1	Use permit required for drive-up service.
L-2	Use permit required only for body and fender shops.
L-3	Only tennis/racquetball courts are allowed with a use permit.
L-4	Permitted as an accessory use if limited to the ground floor, designed to serve user of the existing building and occupying less than 25% of the gross floor area.
L-5	Permitted as a secondary use, occupying no more than 30% of the floor area.
L-6	Permitted with fewer than 13 seats; provided, that no parking spaces are used for the seating, that all legal requirements for alcoholic service are

	being met, and that the use does not violate state, federal or local laws for handicapped accessibility. For 13 or more seats, a use permit is required.
L-7	Permitted on the second floor or when conducted as an accessory use with a permitted use on the site, occupying no more than 25% of the floor area. Additional office space may be allowed upon approval of a use permit.
L-8	Permitted as an accessory use, occupying no more than 25% of the floor area. Retail sales by separate tenants are not allowed.
L-9	Limited to use with fewer than 20,000 square feet. Uses in excess of 20,000 square feet shall be required to obtain a use permit and the user shall have to demonstrate that the use provides for the day-to-day convenience shopping and services of the neighborhood. Supermarkets are compatible with the neighborhood business district.
L-10	Only "limited" or "small-scale" facilities, as defined in PHMC § 18.15.050, Industrial use classifications, are allowed with a use permit.
L-11	Permitted as a regularly scheduled weekly event not to exceed 45 times a calendar year.
L-12	Bailbond services are permitted only in the PAO district and subject to a use permit.
L-13	Permitted, subject to a setback of 200 feet from any residential use.

(Ord. 819 § 4, 2007; Ord. 768 § 6, 2003; Ord. 710 § 35-6.2, 1996; 1991 code § 35-6.2)

Section 4. This ordinance is consistent with the following General Plan Policies and Programs:

- Community Development Goal 2 – Maintain the historic balance among different types and intensities of residential development, commercial retail, office uses, and open spaces.
- Community Development Program 2.1 – Amend the Zoning Ordinance to direct uses desired by the community to specific zoning districts.
- Community Development Policy 5A – Require commercial uses on Contra Costa Boulevard to relate to and reflect uses adjacent to and behind those uses, with careful attention to design themes common to specific blocks along the boulevard.
- Economic Strategy Policy 2A – Allow increases in land use capacity and intensity in appropriate locations to accommodate retail and commercial growth that will serve City residents.
- Economic Strategy Program 2.1 – Permit additional retail, commercial, and light industrial uses in appropriate locations, but require such uses to mitigate their impacts on

schools, residential areas, and traffic.

- Economic Strategy Goal 4 – Enlarge the City’s revenue base as necessary to sustain and support the community.
- Economic Strategy Policy 4A – Evaluate proposed development to determine whether it would impact the City’s revenue base.
- Safety and Noise Policy 7A – Require new development projects to be designed and constructed to meet acceptable noise level standards adopted by the City.
- Safety and Noise Policy 7B – Evaluate the noise impacts of development based on the potential for significant increases in noise levels, in addition to acceptability standards.

Section 5. This ordinance shall be effective 30 days after its adoption.

Section 6. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 22nd day of September, 2008.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 6th day of October, 2008, by the following vote:

AYES: Angeli, Durant, Harris, Hanecak
NOES: None
ABSENT: Williamson
ABSTAIN: None

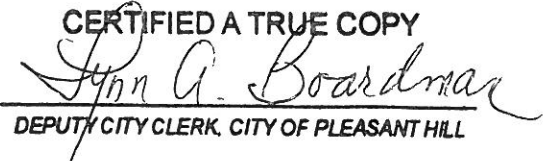

JOHN HANECAK, Mayor

ATTEST:


MARTY C. MCINTURF, City Clerk

APPROVED AS TO FORM:


DEBRA S. MARGOLIS, City Attorney

CERTIFIED A TRUE COPY

DEPUTY CITY CLERK, CITY OF PLEASANT HILL